

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING

NO.: 01-303

A JUDGE,

_____/

NOTICE OF FORMAL CHARGES

TO: THE HONORABLE GREGORY P. HOLDER
CIRCUIT COURT JUDGE
THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY COURTHOUSE, ROOM 370
419 PIERCE STREET
TAMPA, FL 33602-4022

This is to advise that the Investigative Panel of the Florida Judicial Qualifications Commission, by an affirmative vote of not less than five members of said panel at its meeting in Orlando, Florida on November 9, 2001, has determined pursuant to Rule 6(f) of the Florida Judicial Qualifications Rule, that probable cause exists and that formal charges should be instituted against you.

Such formal proceedings are hereby instituted to inquire into the following charges against you:

1. In or about March, 1998, you were requested to come to the chambers of your Chief Judge, the Honorable F. Dennis Alvarez for the purpose of meeting with Judge Alvarez, along with JQC General Counsel Tom McDonald and JQC Chairman Gil Goshorn. In the course of that meeting, you were admonished by Judge Goshorn and Mr. McDonald for remarks you made to a local newspaper concerning a recent decision of the Second District Court of Appeal, which had reversed your ruling in a parental termination of rights hearing. You were cautioned against the making of such intemperate remarks in the future.

2. On several occasions, both before and after the foregoing meeting with Mr. McDonald and Judge Goshorn, you had been cautioned by your Chief Judge Alvarez about the impropriety of certain public remarks you made concerning the Thirteenth Circuit Judiciary. On one or more of these occasions, Judge Alvarez advised you that complaints had been made to him by others concerning your inappropriate public remarks.

3. On or about February 9, 2001 date, you were requested to, and did in fact meet with JQC Chairman Judge James Wolf in a conference room at the Tampa Airport. At that meeting, Judge

Wolf specifically advised you of a complaint against you arising out of an incident during a hearing in your chambers in which you became upset at one or more of the attorneys and threw handcuffs on your desk in a manner regarded as threatening and intimidating by the attorneys and at least one client present. Judge Wolf communicated to you that such conduct is viewed as inappropriate by the JQC. You were cautioned against engaging in such conduct in the future.

4. On or about February 13, 2001, the Honorable James R. Wolf, Chair of the Judicial Qualifications Commission, wrote you a letter stating as follows:

Dear Judge Holder:

This is to advise that the Investigative Panel of the Judicial Qualifications Commission, at its February 9, 2001 meeting, determined that following my conference with you on that date, no further action would be taken in **the complaint filed against you** in the above-referenced matter. [Emphasis added]

This correspondence was sent to you by regular U.S. mail, addressed to the Honorable Gregory P. Holder, 370 Hillsborough County Courthouse, 419 Pierce Street, Tampa, Florida 33602-4022.

5. Notwithstanding the foregoing incidents, on or about May 30, 2001, you submitted an application for the position of United States District Judge for the Middle District of Florida in which you answered "no" to the following question:

Disciplinary matters. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, give particulars.

This answer was false or misleading in view of your two previous meetings with chairmen of the JQC to be admonished concerning your conduct as a result of the complaints made against you to, or by, the JQC. The answer was also false or misleading in view of complaints made against you to the chief judge of your circuit, of which you had been aware.

The foregoing conduct constitutes a violation of Canon 1 and Canon 2 of the Florida Code of Judicial Conduct. These Canons provide in material part as follows:

CANON 1

The Judge shall uphold the integrity and independence of the judiciary.

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

CANON 2

A Judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

A judge shall respect and comply with the law and shall act at all times in a matter that promotes public confidence in the integrity and impartiality of the judiciary.

Such conduct described above, if true, constitutes conduct unbecoming a member of the judiciary, could demonstrate your present unfitness to hold the office of judge, and could warrant discipline, including reprimand, fine, suspension with or without pay, lawyer discipline or removal from office.

You are hereby advised that you have a right to file a written answer to these formal charges within twenty (20) days after service of this notice upon you.

Dated this _____ day of January, 2002.

Dale R. Sanders, Esq., Vice Chairman
Florida Judicial Qualifications Commission
Investigative Panel
1110 Thomasville Road
Tallahassee, FL 32303
(850) 488-1581

and

DELL GRAHAM, P.A.

John D. Jopling
Florida Bar No. 348104
203 N. E. First Street
Post Office Box 850

Gainesville, Florida 32602
Telephone: (352) 372-4381
FAX: (352) 376-7415
Special Counsel for Florida Judicial
Qualifications Commission

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. mail to the Honorable Gregory P. Holder, Room 370, Hillsborough County Courthouse, 419 Pierce Street, Tampa, FL 33602-3022; John F. Rudy, II, Esq., Counsel for Respondent, Bush, Ross, Gardner, Warren & Rudy, P.A., P.O. Box 3913, Tampa, FL 33601-3913; John R. Beranek, Esq., Counsel to the Hearing Panel, Ausley & McMullen, P.O. Box 391, Tallahassee, FL 32302-0391; and Brooke S. Kennerly, Executive Director, Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303; this _____ day of January, 2002.
